

J.F. 369 of 92

G. R. S. IX-5]

Previous references.

1888-89

191 .

(Cts.)

Later references.

File No. 4 of 88

Serial Nos. 1-11.

0.38

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-11

major ~~part~~ B for april 1895

SUBJECT.

printing of records in cases before
the Chief - Court.

20

Indxxv
88

Subject - Printing of
records in cases
before the Chief Court.

What is the
practice in the
Madras High
Court in regard to

the printing & how & by
whom are the charges
borne?

M
27/10/92

The copy of the Madras rules, please
see pages 35 & 36 part-I in the com-
piling book. There, the charges
are borne by the appellants alone in
cases in which no notices are issued
to respondents at 15 as per page & by
appellants & respondents in other cases in
proportion of 9 as & 6 as respectively.
Charges there vary according to the

(12) 10
The Chief Court
with 3 Judges was
formed in May 1884
and from 1st June 1884,
the practice of print-
ing records in ap-
peals was intro-
duced.

2 At first, records
in cases of the value
of above Rs: 300/- were
alone printed, and
this practice conti-
nued up to 31st March
1886, when it was mo-
dified, and records
in cases of the value
of above Rs: 100/- were
ordered to be print-
ed. This modified
rule of practice re-
mained in force
till March 1891, -
when, to relieve
suitors to some ex-
tent of the heavy
charges incurred
by them and of -
which there were
Cours T

plaints, the old practice of printing records in suits whose value is above Rs. 300/- was reintroduced.

3 It has not been usual to print Mis: appeals and civil petitions, except when parties desire that they should be printed and at their cost.

4 The Judges now propose that all 1st and 2nd appeals whether or not below Rs. 300 or 100 as well as all the Mis: appeals, and when a Judge orders civil petitions also, should as a matter of course be printed.

5 They further propose that instead of charging the parties according to the quantity of printed matter, as has been the case hitherto, uniform rates (Rs. 10 + 5 ^{for} the case of 1st appeals from Munsiff's and

quantity of printed matter I am not fixal, as proposed here - a printed page is ^{now} charged at, I think, 10 as a page or - There is also slight difference between our system & the Madras system as to whether each paper book ought to exemplify but our system is likely to add ^{more} to the convenience of both the Judges & parties. Please see the marginal pencil notes on the draft rules subd by the Chief Court

1.12.92 B

for
~~as the case of~~ second
appeals upon question
of law only, 15+7
in the case of all other
1st and 2nd appeals and
@ 3+1-8 in the case
of (mis. appeals) —
Should be charged,
as in their opinion
such rates would
press less heavily
on the parties and
as the parties will always
know what they
will have to pay
in each case before-
hand. An exami-
nation of the statistics
~~present~~ given below
is however ~~doubt~~
sufficient to show that
although the pro-
posal of the Chief
Court may have the
recommendation
of uniformity in
its favor, yet it
does not appear
that the charges will
press less heavily
on the suitors.

roughly shown

	1 st Appeals			2 nd Appeals		
	No. of Cases	Total Cost of printing	Average cost per each case	No. of Cases	Total Cost of printing	Average cost per each case
1885 (Cases on below Rs. 300/-)	90	941-1-2	10-7-3	95	656-8-	6-14-6
1887 (— do — 100/-)	204	2107-8-9	10-5-3	173	1954-12-5	11-4-9
1888 (— do —)	152	1837-6-5	12-1-4	103	1367-3-11	13-4-4
1889 (— do —)	157	2375-10-9	15-2-1	89	1253-1-3	14-1-4
Average cost per 3 suits			11-15-11			11-6-2

(N.B. years 1886 and 1890 have been omitted, as in those years the Rule of Practice then in force was changed and records of the same classes of cases were not printed throughout the year).

It is thus clear that the existing practice while it has the merit of making the charges vary according to the quantity of matter printed is on the whole much cheaper.

cheaper than the proposed scale, the difference in the case of the 1st appeals being ~~now~~ Rs: 3/- and in some cases more than Rs: 3/- for each appeal, and in the case of 2nd appeals, about Rs: 11/- and in some cases less for each appeal.

7 Roughly estimated about half the total No. of appeals to the Chief Court may probably be of the value of and below Rs: 100/- and they have hitherto been altogether invariably exempted from payment of printing charges. Under the rules now proposed, charges at the above rates will have to be levied even in such cases. The

parties

parties may however
in some cases get
some relief in
transcription char-
ges.

8 If as laid down
in para 9 of the pro-
posed rule, the print-
ing charges paid
by parties are to
form costs in the
case, there is no
object gained in
compelling the res-
pondent to pay in
the first instance
a third of the total
charges.

9 What if the res-
pondent is a party
or he does not choose
to pay the printing
charges and be hear
The rules proposed
contain no provision
for such cases. The
present practice
of requiring the
appellant to deposit

The

the full costs of printing in the 1st instance is in every way convenient and meets those cases, in which respondents are ex parte.

In all other cases the record shall be printed only, the special application of either party and at his own expense, in which case the cost of printing shall not be included in the table of costs appended to the decree.

10 Part of the rule dated 2nd March 1891 noted in the margin may conveniently be retained. Why it was omitted in the new Rules is not clear.

In November 1889, the Chief Court proposed that the Govt. should bear the cost of printing papers in cases before our (Chief) Court and estimated such cost at Rs. 3,500/- per annum, but

but it is not clear whether cases of and below Rs: 100/- in value were intended also to be included in such a proposition and how the estimated cost referred to was arrived at. Such cases were not then printed, and it is unlikely that they were intended to be included in the proposition then submitted to Govt. If such cases are, as now proposed also to be printed, the said estimated amount may have in all probability to be doubled.

Subd to the Honble Mr. Chembaldam Puntambam for his opinion
180-
23 Oct 92

J

I do not wish to interfere with the discretion of the Judges as to what papers shall be printed & what not, but I must object to the system of payment without reference to the quantity of the matter printed. I see that in Madras the charge varies according to the quantity, and so, an order may issue to the effect that the Govt. have no objection to the printing of the papers but that the rates charged must vary according to the quantity of matter printed, & the rates fixed must be such as would not entail any cost on Govt.

24/7/12/92

Subd to Council for Mr. P. S. S. S. S.

I have no objection to the printing of the papers but the rates charged must vary according to the quantity of matter printed, & the rates fixed must be such as would not entail any cost on Govt. This is the only way to prevent the Govt. from being defrauded of their money. 23/10/92

Government approved
of the rules proposed in the
matter of printing &
records, generally,
but dissented from the
opinions of judges as
to the levy of uniform
fees from parties and
held that the charges &
levied should be made
to vary according to
the quantity of the matter
printed and ^{that} the rates
charged should be
such as would not
entail any loss
Govt.

This was communi-
-cated to the ^{judges} ~~Registrar~~
in this office ~~by~~ letter

No 3319 d/ 16th Dec 1913
J. 379
with a request that

the Rules subject to the
above modifications
might be revised and
published.

On the receipt
the same, the judges
have again made
a reference ~~to~~
to Govt advocating
that the scale of fees
first recommended by
them may be allowed to
stand for the reasons
assigned below

$\frac{1375}{63}$ d/26-9-93.

That the record may
be bulky in petty suits
and it may ~~also be~~
light in suits whose
value is some hundred
of Rupees. ~~of the~~ payment of
printing charges
is insisted ~~on~~ according
to the number of pages
of printed matter, it
often happens that
a suitor who claims

to recover land of the value
of R. 30, may have to
pay a sum for printing
which may ^{be} almost equal
to the value of the property
in suit & this will give
room to parties to complain
that the cost of litigation
is unduly high in the
Chief Court.

2. ~~That~~ The ^{proposed} new rule may cause severe hardship by making the cost of law charges uncertain. A scribe cannot know what the ~~cost~~ cost of printing his record may amount to, if he knows it once for all before hand, he may either lodge an appeal or may withhold from doing so, considering the costs to be incurred.

3 That the collection
of cost may become

Had the time to
to study for
about other
smaller work
all

The mountain
 across which
 crossed but
 with the river
 as did not
 & immediately
 below 17
 from 18
 as a result
 and to
 will be
 upon the
 the area
 with a
 him 31
 great

difficult- and it may
delay the disposal of
appeals. Moreover, it
is only after the receipt
of the record from the
Lower Court that one can
make an approximate
estimate of the case
cost and the actual
amount is ascertained
after the record is printed.

4. That the advocates
are not in a position
to receive any money befor
hand from their clients
and when a requisition
is made for deposit,
they do not recover
the money from the
parties & apply for
indefinite extension
of time or they shall
have to pay from
their pockets taking
the chance of realizing

They must receive
an amount
by for the
very thing
etc.

of the same nature.

(5) That difficulties & inconveniences of the above kind were experienced by the Court when the rule was in force to get ~~an~~ ^{an} ~~records~~ ^{records} printed in suits of the value of Rs 100, and to alleviate them all, the judges had to modify the rule by exempting all suits of the value of Rs 300 and under.

Submitted.

The proposed Rules make it necessary that the principal records in all appeals should be printed. It was the ~~intention~~ desire of Govt. to do away with the printing in all petty cases ^{below} of Rs 300.

I believe the printing work is done by a private Press ~~and is paid for~~ ^{which receives payment} according to the quantity of matter printed. Under the proposal to levy uniform fixed fees, there is the risk of a deficit occurring. Who is to pay the printer should a deficit occur?

More

6/10

I don't

Mr. J. B. S. S. S. S. S.

Mr. W. B. S.

The reasons brought forward by the Chief Clerk do not so all convince me that the printing charges can be profitably charged on any principle other than the quantity of printed matter.

I admit that since printing is for the convenience of the Judges, we cannot

The difficulty is another aspect of the question. The printer has done his part in placing his suit in court & paying the court fees. All else is part of the work of the court & the judge. It is the judge's decision & the judge's suit. It is the court's work. He is concerned with the judge's making it. All the other charges which are paid for the printing of the decision are the judge's work. The judge is the one who is responsible for the printing of the decision.

In the matter of the printer's fees

211

Stamp
Revenue.
of 1892-93

Ch Fees 386 000
Gf Stamps 2.75 000
Misc 45 000

7,06 000

Receipts under
Lawrence 8 000

7,87 000

Expenditures
under Lawrence } 8,32 000
Subsistence }

Estimate { Civil 4,100
Criminal 416

as in
proposed
provisions & provisions
the above are
the best
from inflicting
in the time for

justly call upon
Deputies to pay for
the printing charges,
~~especially when our~~
Low fee Stamp Revenue

in excess of ~~the~~
~~the~~ our Low charges,
but ~~they~~ ^{it is} are not, as
will be seen from
the figures noted in
the margin ~

Considering these facts
& the practice in
Madras, I cannot
propose that the
printing charges be
borne by ~~the~~

The people that is to
say the last persons
whom I would rather be
less the appeals, the
better for the country

P. Chetabala
12/10/93

Said Appellant
for instructions

Another course
fine calculated to
meet the objection of the
Court that no
Schedule of rates can
be satisfactory which
does not enable the
Appellant to know
before he takes an appeal
what the cost of the
appeal will be? or
he to fix a rate per
document word

per page of its length
For example if x be the
rate fixed for document
in second appeals the
cost of printing the

Appellant in 'econ
appeal to be $4x$ as
there are 4 doc's to be
printed - i.e. no 3 of

The proposed 'es
of 1/2 the rate fixed

Appellant
knows

per agreement in first
 appeal. The cost of a
 paper work in a case
 in which there are ten
 witnesses ~~will be~~ given
 1. Exhibits will be 17 of
 according to list given
 in para 2 of the Draft
 Rules & so on
 This may be the carrying
 out the principle of cost
 according to quantity of
 the evidence but
 it may be a reservation
 of it to a great extent
 It is necessary to go
 some length to meet
 the views of the Chief
 Court. 14/6/11

Mr. Justice (Judge) / Committee
 for perusal. The
 Mr. Dewan will be glad
 to have a personal
 conference on this question.

J.D.

Mr. Ramachandran
 was not able to read
 his views before he leaves
 the Commission -
 Mr. Dewan

14/6/11

Reid, June 15. 4.95.

Orders are required to be passed on their report from the
Offt. Subd. to the 1st Councilor. The Office Note
is full, & contains the recorded opinions of the
Honorable W. Chetralrow, the Chief, & so on
6.4.95 Wm

I think

which is very

Along a very

both East & West

near by the

about 1000 yds

from the

will be very

North. near

21/

Wm

of

(1)

3487' 30 141 111 8 August 88

Section	cts
No	4-88
Serial No	1-10

The Registrar
of the Chief Court

repeatedly

Sir,

I am desired to request that the following suggestions made by some of the Members of the Representative Assembly ~~of last year~~ may be brought ~~under~~ to the notice of the Judges of the Chief Court, for such action as they may deem necessary to take thereon.

(1). The suggestion of ~~Mr. Annappa Shetty of Bangalore~~ for ^{the} restricting of the printing of papers in Appeal Cases before the Chief Court, to Cases exceeding Rs 1000 in value

(2). The transfer of the Kinnigal Taluk to the

Civil jurisdiction of the
Tumkur Munsiff ~~proposed~~ from that of the
~~by the Government of the~~ Melwargald Munsiff -

(3) ~~The representation~~

~~of Mr. Holanabaddi~~
~~President of the Tumkur~~

~~Dist.~~ that the present
rule under which a
uniform rate of fees
for advocates is fixed
without ~~the~~ reference
to the class of the Court
in which they conduct
cases, presses heavily
on parties, and that
~~diff~~ varying rates of
fees should be laid
down for the different
classes of Courts in

the Province ~~and not~~ without reference to the

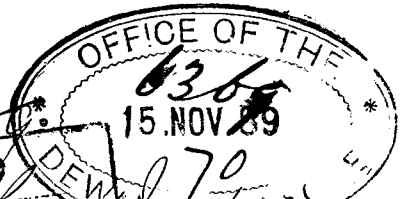
~~as being in the~~

~~the~~ status of the legal practitioner

1875/58

Shaves
Chf Secy

(General Serial No. 29.)



From *Mr. C. P. Dewar*
Section *Chief Secy*
File No. *4-86*
Serial No. *2*
To *2*

The Secretary to the Dewan to His Highness
The Maha Raja of Mysore.

Dated *5th* November 1889.

Despatched

Received

Enclosures No. *1*

General No. *5716* } 188 -8
No. *157*

In reply to his Chief Secy,
Letter to the Registrar of 8th August 1888,
making certain suggestions in regard
to the transfer of the Kurnigal Taluk
from the Jurisdiction of his Majesty of
Belkangala, restricting the printing
of papers in cases before the Chief Court
in cases exceeding Rs 1000 in value,
revising the rules regulating the
fees of Advocates and Pleaders.

Subd
18/11

No. 5116
137.

(2)

Bangalore 15th November 1889.
From.

C. G. Plumer Esquire
Chief Judge of Mysore.

To

H. Sheehadri Esq. Esq., C. S. I.
Jewan of Mysore.

Sir,

In reply to your Chief Secretary's letter to the Registrar dated 8th August 1888, I have the honor, in the first place, to express my regret that this reply should, through an unfortunate error, have been so long delayed.

2. The three points which in the said letter were referred to me for our consideration are:—

1st, The transfer of the Munnigal Taluk from the jurisdiction of the Prineiff of Melamangala to the Prineiff of Immur.

2nd The advisability of restricting
the printing of papers in
cases before the Chief Court
to cases exceeding Rs. 1000 in
value.

3rd The advisability of reversing
the rules regulating the fees
of Advocates and Pleaders.

3. We have given these points our most
careful consideration.

4. On the 1st point, we are of opinion
that, pending the establishment of a District
Court in Bangalore, matters should be left
in statu quo, because, when that Court is
to be established, we shall probably have
to suggest other alterations in the territorial
jurisdiction of the Bangalore and Kelamangala
Munsiff, which may well take effect with
the proposed alterations.

The alterations
may be
made
for the
present
M

5. On the 2nd point, we think that
the present rule of charging the cost of

Printing to the parties papers hardly on
entirely; we propose to abolish the present
practice and request the sanction of Govern-
ment to our debiting to Government the
cost of printing papers in cases before our
Court. The cost will amount to about Rs.
-Rs 3500 per annum. Printing these papers
tends greatly to facilitate and expedite the
work of our Court and, as all the Courts
show a considerable surplus of receipts over
expenditure in the process branch, we trust

that Government will sanction this com-
paratively trifling expenditure. We propose
to give to parties a printed copy in each
form of the case free of charge.

On the 3rd point, we propose to alter
the existing rules regulating Advocates and
Pleaders' fees, by cancelling the rules which
fix a minimum fee for Advocates and
Pleaders in original suits and a fixed fee
for Advocates and Pleaders in small cause
suits. We propose that, in original suits

and in contested small cause suits, the fees for Advocates and Pleaders shall in all cases be fixed ad valorem at the rate now laid down. We also propose to prohibit the Courts from awarding costs as between Party and Party in uncontested Small Cause Suits. We believe that these alterations will tend to greatly reduce the cost of litigation.

7. In the event of Government sanctioning these proposed alterations, we will publish the amended Rules giving them effect from the 1st January next.

I have the honor to be,

Sirs,

Your Most Obedt Serv^t

C. F. Hume
Chief Judge

will be
will of the
order with
the proper
order to
the 1st
requirement
sanctioned by
17/7/91
my best friend
all

4 2 12
Main am-
counting
Main
at

P. 138
J. 65-

(General Serial No. 30).

1896

From
Section C/O
File No 4-86
Serial No 3
To

(3)

Office: Chief Judge
in Mysore

Dated 23
Despatched 26 August 1896.
Received

Enclosures No.

General No. 5893
No. 83.

From Office Chief Judge Mysore

Stating that the proposed alterations in the territorial jurisdiction of the High Court of Belamangala will be taken into consideration as soon as the re-establishment of a Dist. Court in Mysore is decided upon seeing for a statement of the printing charges incurred in each year since the formation of the Chief Court; also a draft of the Rules with the proposed alterations regulating the fees of Advocates Pleaders.

(3)

N 5893 of 23-8-90 L
83 26
N

The Offg Chief Judge
in Mysore

Sir,

In reply to your office
No 5116⁽²⁾₁₅₇ dated 15th November
1889, I have the honor to
state that the proposed
alteration in the territorial
jurisdiction of the Munsiff
of Belamagala will be
taken into consideration
as soon as the re-esta-
-blishment of a District
Court in Bangalore is
decided upon.

2. Adverting to the
proposal made in para
5 to debit to Government
the charge of printing
records in appeal cases
before the Chief Court,

I shall feel obliged by your furnishing me with a statement, showing the printing charges incurred in each year since the formation of the High Court and exhibiting separately the cost in cases below Rs 300/- in value and the cost in other cases exceeding that value.

3. The Reports on the Administration of Civil Justice ^{in 1888} ~~which~~ shows that the cost of litigation is high and that the Advocates' and Pleaders' fees alone amount to so much as 46 per Cent of the total cost of litigation Under these

	Percentage.	
	1888-	1887.
In original suits. Rs.	30.	
In 1 st appeals. Rs.	54.	
In 2 nd Appeals. Rs.	53.	
Total Rs.	137.	
Average.	Rs. 46.	

circumstances, the Govt.
are in favour of the pro-
posals made in para
6 of your letter under
reply. I request that
a draft of the Rules with
the proposed alterations
may be submitted for
final consideration.

I have seen

W.L.

23/8/90

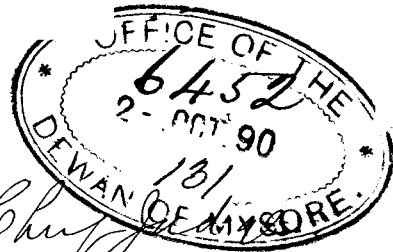
Offg. Dewan

To

W.L.

1/130

(General Serial No. 29.)



188p.

Section	<i>Civ</i>	From
File No	<i>4-88</i>	
Serial No	<i>4</i>	To

The offg. Chuff of Mysore.

(4)

The Secretary to the Dewan to His Highness the Maharaja of Mysore.

Dated 29 Sept 1890.

Despatched 30

Received

Enclosures No. 1.

General No. 14459 } 188 - 8
No. 1480 }

Ref to his No. 5893 of 23d 1883
Attorn submit a statement showing the number of regular and second appeals which have been printed since 1884 and the cost of printing them etc. opinion.

*Self that it is an
of opinion that the
value to suitors by
lessening the cost
of printing in it
may be...
in...
appeals to be of
great...*

drafted 15/1

*Referenced
as
2/10/90*

*In further
judicial
Mys - The
has been bought at the
Ref. Appeal & the Dewan
answered that it was under
consideration 2/10/90*

No. 4459
140.

Bangalore, 29 September 1890

(4)

From

A. Ramachandra Iyer Esq
Offg Chief Judge
of Mysore

To,

P. R. A. Thimboobetty Esq,
Offg Dewan
of Mysore

Sir,

With reference to your letter
dated 23rd Ultimo, No. ^③5893 I have
the honor to submit a Statement,
showing the number of regular and
second appeals which have been
printed since 1884 and the cost of
printing them - Although I have
not been required to express my
opinion I trust that it will not
be considered improper if I venture

to

to state that relief might be given
to suitors without causing much
inconvenience to the Judges if only
appeals of the value of 300 Rupees
and upwards are required to be
printed.

I have the honour to be,
Sir,

Your Most Obedient Servant

Manabendra

Offg Chief Judge

8/6

Statement showing the cost of printing

1885

1886

1885

C.	Cases not exceeding 300 Rs.	Cases exceeding 300 Rs.	Total	Cases not exceeding 300 Rs.	Cases exceeding 300 Rs.	L.
amount	amount	amount	amount	amount	amount	amount
No of cases	No of cases	No of cases	No of cases	No of cases	No of cases	No of cases
Rs. & P.	Rs. & P.	Rs. & P.	Rs. & P.	Rs. & P.	Rs. & P.	Rs. & P.

509 10. 14 179 110 76 76 154 90 94 112 98 88 711 . 56 86 5 13 . 154 1753

242 . 5 81 54 7 . 14 109 8 . 95 65 6 8 . 81 73 712 . 20 22 4 2 101 96 1

.. 1 7 12 1 7

8 1 4 10 1 4

4 85 9 10 5 95 72 6 110 90 87 17 4 185 159 79 2 181 163 713 . 76 108 9 15 . 257 272

A. B. Up &

From 1 June 1884.									
Description	Cases not opened -ing 300 Ls				Cases opened= -ing 300 Ls.				Total
	Amount				Amount				a
	No. of cases	Rs.	Sh.	P.	No. of cases	Rs.	Sh.	P.	No. of cases
Regular Appeals	11	81	10	1	27	527	15	11	38
2. Second Appeals	27	172	4	5	8	69	12	.	35
3. Misc Appeals	"	"	"	"	"	"	"	"	"
4. Civil Petitions	1	8	"	"	"	"	"	"	"
Total	39	261	14	6	35	597	11	11	

11567 ✓
165- 913-1-91
22

20

(5)

Section	CD
File No	4-88
Serial No	5

The Registrar of the
Ch. Court of Ind.

With reference to the offg
Chief Judges letter No. $\frac{4459}{140}$ of the
29 September 1890, I am directed
to state that the foramen
are of opinion that some
relief to suitors by lessening
the cost of printing in the
way therein suggested or
otherwise appears to be rea-
sonably required

I have &

CC

Wm. J.

docs on
Deuans
trans

P-130

2

(General Serial No. 30).

189,

From the

no 782 925/2/11

The Registrar of the Chief Court
of Mysore.

Dated 13

Despatched

Received

22 January 1891.

Enclosures No.

General No.

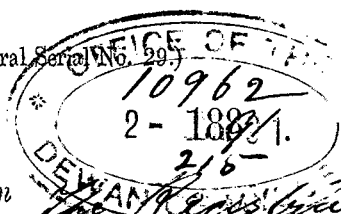
No.

11867
1165.

Intimating that Sirs are of
opinion that same policy
to printers by lessening the
cost of printing in the way
suggested or otherwise affe.
the reasonably reqd.

10.138

(General Serial No. 59)



6

From *The Registrar of the Chief Court of Mysore.*

Section *Ch*
 File No *4-80*
 Serial No *6*

Chief
The Secretary to the Dewan of Mysore.

Dated *25th February 1891*

Despatched

Received

34484
191
Signature - 10

Enclosures No.

General No. *482*
No. *34* 1891-8

Referring to his order of 13th ultimo stating that a Rule has been issued by this Court directing the printing of records only in cases of the value of Rs. 300 & upwards

K. M. Thakur
for

as
2/10/91

order
recorded

2/2/91

Print

3/2

Drafted
3/3

Rs 782
34

Bangalore 25th February 1891 (6)

From

The Registrar of the
Chief Court of Mysore

To,

The Chief Secretary
to the Government of Mysore

Sir,

With reference to your No. ⁽⁵⁷⁾ 11567 of
the 13th ultimo, I am directed to state
that a Rule has been issued by this Court
directing the printing of Records only in
cases of the value of Rs 300 and upwards.
As the bulk of appeals is below Rs 300,
the amended Rule now issued, will, to a
great extent, reduce the cost of litigation.

I have the honor to be,
Sir,

Your most obedient servant

S. Benmayya Esq.
Rastras

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

IN THE CHIEF COURT OF MYSORE.

Civil Side.

The 2nd day of March 1891.

In modification of the existing practice, the Chief Court directs that, in future the papers in appeals and second appeals shall be printed only in those cases in which the value of the suit is above 300 rupees and the cost of printing shall be included as costs in the case. In all other cases, the record shall be printed only on the special application of either party and at his own expense, in which case the cost of printing shall not be included in the table of costs appended to the decree.

By the Court,

S. HAMAJEE ROW,
Registrar.

6
a

*N. B.—Should routine notes be written on small slips,
the notes must be copied or slips pasted on this form.*

2

(7)

Section	
File No	
Serial No	

[Here enter Registrar's
letter No. ⁽⁶⁾ 782 dated 25th
34
February 1891] -

order thereon No. 13484 73-3-91
197

Recorded.

J. S. Maunda Norr

Chief Secretary

Print ¹⁰⁰ L. Mr. Reg. of the (H. S. Maunda Norr)
Mr. B. S. Maunda Norr

9
p. 13.2

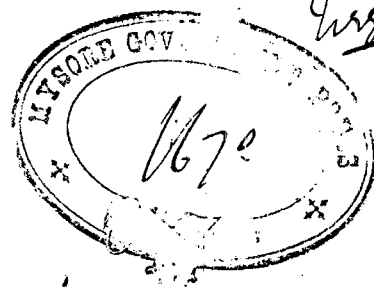
1891

Section	4-86	Judicial
No	4	Proceedings
Serial No	1	

No 13484 Date 3rd
197

March 1891

Recording a letter
from the Registrar of the
Chief Court stating
that a rule has been
issued by the said Court
directing the printing
of records only in cases
of the value of Rs 300/-
and upwards.



P. M. M.

Secy. and Officer

80 Copies

*Proceedings of the Government of His Highness the Maharaja of Mysore,
(Judicial),—dated 3rd March 1891.*

READ THE FOLLOWING PAPER :—

From the Registrar of the Chief Court of Mysore, To the Chief Secretary
to the Dewan of Mysore, No. 782—34, dated Bangalore, 25th February 1891.

With reference to your No. 11567—165 of the 13th ultimo, I am directed to state that a Rule has been issued by this Court, directing the printing of Records only in cases of the value of Rs. 300 and upwards. As the bulk of appeals is below Rs. 300, the amended Rule now issued will, to a great extent, reduce the cost of litigation.

NO. 13484—197, DATED BANGALORE, 3RD MARCH 1891.

ORDER THEREON.—Recorded.

T. ANANDA ROW,
Chief Secretary.

Exd.—A. N. S.

*To the Registrar Ch Court 58/91
by course of Des
to the Prof*

Duff

1891.
GOVERNMENT OF MYSORE.

JUDICIAL.

PROCEEDINGS.

Dated 3rd March 1891.

R

No. 10102.
197.

Recording a letter from the Registrar of the Chief Court stating that a Rule has been issued by the said Court directing the printing of records only in cases of the value of Rs. 300 and upwards.

(8)

(General Serial No. 80).

1380

1892

3 - AUG 02

9.109

Form

Section	CLD
No	4-88
Serial No	0/0

The Registrar of the
Chief Court, Mysore
The Chief Secretary
to the Dewan

Dated 29th of Mysore
Despatched 29th } July/92
Received *[Signature]*

Enclosures No. one

General No. 3748
No. 105

Forwards for
approval of Govern-
ment Draft Rule
of Practice regarding
the printing of
records of appeal.

J.

Recd 5/8.

~~Representative~~ Ref.
Mr. 5/8

Recd 5.11.92

Subd into a memo

7.8.92

N^o. 3748 Im: one
105
From,

Bangalore 29th July 1892
(8)

The Registrar of the
Chief Court of Mysore

To,
The Chief Secretary to the
Dewan of Mysore

Sir,

(7) Adverting to the Proceedings of
Government No: $\frac{13484}{1970 \text{ or } 1970 \text{ or } 1970}$ dated 3^d March 1891,
I am directed to State that the existing
practice of printing the records of appeals
of the value of 300 Rupees and upwards
is considered by the Judges to be un-
= Satisfactory, as the original records in
half the number of cases posted for
hearing are sent to one Judge and the
other half to the other Judge, the result
being that each Judge has to hear argu-
= ments in 50 percent of the appeals posted
before him, without having read the evidence.
Further, it will entail considerable expense
and delay if fair copies of evidence
are

are made in each case. To avoid this inconvenience, without giving room to parties to complain that the cost of printing is excessive, it is proposed by the Judges to have all the Civil Appeals that come before this Court printed, and a uniform fee levied from parties. The scale of printing charges recommended by the Court is moderate, and the uniform rate fixed by the Court removes the objection which was urged at one time, that suitors did not know what they had to pay and that, in some cases, the charges were out of proportion to the amounts sought to be recovered. The cost of transcription fees paid by parties in cases below Rs 300/- from March 1891 to February 1892 was ^{Rs} 1837, and this amount, the Judges think, may fairly be utilized for printing the records. There is no doubt that in some cases the actual cost of printing

printing will exceed the charges fixed by the Court. But, if the number of Appeals and if the average bulk of each Appeal is taken into consideration, there is reason to think that the total cost of printing all the records will be met by the collections.

A draft Rule of practice is herewith forwarded for approval of Government.

and the honor to be,
Sir,

Your most obedient servant,

S. Hanayee Rao

Registrar.

(8/a)

Ref
The Chief Court of Mysore at Bangalore
The July 1892
The following rules are issued in
modification of the Rules dated ^{5th March} ~~1st June~~ 1884
and 2nd March 1891

1. All first appeals, second appeals and Miscellaneous appeals shall be printed
2. In first appeals, the paper book shall contain the following documents or translations in English

(a) The judgment and decree of the Lower Court and the documents

(b) All depositions specified in the Advocates' list.

(c) The grounds of appeal.

(d) The grounds of objection (if any) taken by Respondent.

3. In second appeals, the paper book shall contain the following papers or translations of them, if they be not in English:—

(a) The judgment and decree of the Court of First Instance

(b) The judgment and decree of the first Appellate Court

(c) The grounds of second appeal

(d) The grounds of objection (if any) made by Respondent

Note When a second appeal is made on a question of fact it will be
treated

namely High
Court, to ~~be~~ ^{indicated}
indicated in pencil
are not usually
included in the
papers to be printed

treated as a Regular Appeal for the purpose of these rules.

4. In Miscellaneous Appeals, the paper book shall contain the following papers or translations in English:—

(a) The petition to the Lower Court

(b) The judges' notes and order of the Lower Court

(c) The grounds of appeal

(d) The grounds of objection (if any) made by the Respondent.

In Civil Revision Cases, the record will be printed, if specially ordered to be printed by a Judge.

6. The Advocate of either party shall give a list to the Registrar, within 15 days after the arrival of the record, of such of the exhibits on which he intends to rely in support of his case. Such papers shall be printed in the book at the cost of the party applying for the same.

7. The time for the delivery of such list may be extended, on application, if the Court be satisfied that there is a reasonable ground for such application.

8. The following fees on account of cost of printing shall be levied from the parties:—

	From Appellant	From Respondent
In all first appeals from Munsiffs and in all second appeals upon questions of law only	10— " — "	5— " — "

In Munsiffs, charges of printing are charged ~~and~~ is however appeals, 5 between appellants and respondents directed to

In

	and second	From Appellant	From Respondent
In all other first appeals	15	u	u
In Miscellaneous Appeals and Civil Revision Cases	3	u	u
		1	u

9. No appeal will be admitted unless the appellant has deposited the printing fee, and no Advocate for a Respondent will be heard, if he has not purchased a printed copy paying the prescribed fee. The fee paid by the Appellant and the Respondent shall be costs in the cause.

10. Each party will be furnished with a printed copy of the record. Any extra copies required will be charged for at the rate of one Rupee per copy.

By the Court

S. Hameed Khan
Registrar

1.12.92

3 Vary according to last meeting 15 as per page. No distinction made between kind of letter 1st or 2nd or 3rd but only in which notices are issued. In appeals when notices are issued, to charge 5 divided in proportion of 9 as 6 as between appls & respds & when notices issue to file amt - 15 as is charged against to appls. I am I believe Mr Hays has taken consent to print papers at 2 1/3 p per word or at 10 as per page & so we can proportionately reduce charges also

No 3319
J. 379

1892. 93. ⁽¹⁰⁾9

To.

Section	4-88
File No	4-88
Serial No	9

Registrar of the
Chief Court of
Mysore -

Dated 16th March 189.

Sir,

✓

With reference
to your letter No.
 $\frac{3748}{105}$ dated 29th July
last, forwarding for
the approval of Go-
vernment a draft
Rule of Practice re-
garding the printing
of records in Book
appeals before the
Chief Court, I am
directed to state
that the Government
approve of the

proposed rules, generally, except that it does not consider it desirable to have uniform fees levied from parties, irrespective of the quantity of matter to be printed.

In the opinion of the Government, the charges levied should be made to vary according to the quantity of the matter printed, and the rates charged should be such as would not entail any loss on Government. I am to request that the draft rules may accordingly be revised and

published
and resubmitted
for the consideration
and orders of Go.
vernment

h
2

16/8/93

281

I have rec
Att 17/8/93
Chief Secretary

In view of
Approved
Att

(General Serial No. 29.)

4335

(10)

1883.

g. 665

From

The Registrar to the
Chief Court, Bangalore

To

Chief
The Secretary to the Dewan
of Mysore.

Dated 26 Sept/93

Despatched 27

Received

Section

4-88

Enclosures No.

General No. 1375 } 188 - 8 .
No. 63

Requests for reasons
assigned that the sanction
of Government may be
obtained to the scale of
charges for printing
records recommended,
this Office N. 3748 of
29th July/92 -

L. Ref. Mrn 27/9

Subd. with memo. Mrn 6/10

N^o 1375-
63

(10)

Bangalore 25th September 1893.

From

The Registrar of the
Chief Court of Mysore.

To,

The Chief Secretary to the
Government of Mysore.

Sir

With reference to your N^o 3319 dated 17th ultimo, I am directed to bring the following facts to your consideration, as the Judges think that the letter which was addressed by my predecessor, on the 29th July 1892, N^o 3748/105, did not state the reasons for the recommendation which was then made to levy a uniform fee for printing records.

2. It is a well known fact that the record may be bulky in petty suits, and that it may be very light, in suits whose value is some hundreds of rupees. If we insist upon payment of printing charges according to the number of pages of printed matter

matter it may not infrequently happen, that a suitor who claims to recover land of the value of Rs 30, may have to pay a sum for printing, which may be almost equal to the value of the property in suit.

This will give room for repetition of the Complaints which were so rife some time ago, viz., that the cost of litigation was unduly heavy in the Chief Court.

3. Apart from the objection of causing undue expense upon poor suitors, there is reason to fear that the new rule may cause severe hardship by making the cost of law charges uncertain. A suitor cannot know what the cost of printing his records may amount to, till the record is printed and he may find it much more heavy than he calculated it might be so heavy indeed, that if he had known it before-hand, he might not have cared at all to appeal.

4. The collection of cost may become difficult and this may, at
times

times, needlessly delay the disposal of appeals. It is only after the receipt of the record from the Lower Court that we can make an approximate estimate of the cost and the actual amount is ascertained after the record is printed.

That being so, the advocates are not in a position to receive any money being paid from their clients, and when a requisition is made for deposit, they sometimes do not recover the money and apply for indefinite extension of time, or they sometimes pay out of their pockets and take their chance of realizing it from their clients.

The difficulties and inconveniences which have been above set out were experienced by the Court when the rule was in force to get records printed in suits of the value of Rs 100; and it was a consideration of those difficulties and hardships which induced the Court to modify the rule by exempting all suits of the value of Rs 300 and under.

The rules which my predecessor
was

was directed to recommend to Government
in letter N^o 3748₁₀₅ dated 29th July 1892,
were framed with a view to obviate the
before mentioned objection. The charges
were made moderate, so that petty
suits might not be oppressively pressed
and they were made certain so that
the cost of litigation might be certain
and known beforehand; and the deposits
were required to be made with the memo-
randa of appeal, in order that there
may be no delay in the matter of
collection

7 For the foregoing reasons, I am
directed to request that the Government
may be pleased to give their sanction
to the scale of charges recommended in
letter N^o 3748₁₀₅, dated 29th July 1892

I have the honor to be

Sir,

Your most Obedient Servant

[Signature]

Registrar

2/6

11, No. 16893 D/8-4-95
8/10/43

Section	cto
File No	4-88
Serial No	to Sir

The Registrar of the
Chief Court of Mysore

In reply to your letter
No. 1375/63 dated 26. Sep. 1893
in regard to the adoption of a fixed scale of
charges for printing records, in Mysore
I am directed to state that,
after giving the matter their
best consideration, the Govt
are of opinion that- it would
be unfair to levy a fixed
and uniform rate of printing
charges from all suitors,
without reference to the ~~quantity~~
quantity of matter to be
printed in each case
and that it would be reason-
-able to charge only the ~~actual~~
expenses actually incurred
2 The Govt would be glad if
this principle be kept in view
and the proposed Rules
modified accordingly

I have the honor

7/4/95
Wm 8/4/95
Gen. Secy